

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 05/02/03.

## **I. DISPUTE**

Whether there should be reimbursement for CPT code 95904-59-76 (4 units) on date of service 06/07/02.

## **II. RATIONALE**

The requestor billed the nerve study on the HCFA using CPT code 95904 with the modifiers –59 and -76. The table of disputed services submitted by the requestor shows payment received in the amount of \$217.60 from the respondent. The respondent denied the remaining units as “1-(076) Repeat procedure by same doctor”.

The modifier -59 billed on the HCFA is not recognized by The 1996 Medical Fee Guideline General Instructions VIII (A-B). The modifier –76 is “Repeat procedure by same doctor”. The maximum allowable reimbursement for CPT code 95904 is reimbursed \$64.00 per nerve. The Neurophysiology Worksheet Electrodiagnostic Nerve Conduction Study dated 06/07/02 supports delivery of service per TWCC Rule 133.307 (g)(3)(A-F). Additional reimbursement in the amount of \$294.40 (\$64.00 x 8 units - \$217.60) is recommended.

## **III. DECISION & ORDER**

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement in the amount of **\$294.40**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$294.40** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 24th day of March 2004.

Laura L. Campbell  
Medical Dispute Resolution Officer  
Medical Review Division

LLC/llc